

Message

From: Hough, Palmer [Hough.Palmer@epa.gov]
Sent: 8/25/2020 3:44:38 PM
To: OW-OWOW-OWCD-FMRB [OW-OWOW-OWCD-FMRB@epa.gov]
Subject: Pebble Mine update - in case you are interested

FMRB

The last 72 hours have seen a torrent of news articles regarding Pebble Mine and where it is in the CWA Section 404 permitting process. The headlines have been a bit all over the place – which is understandable b/c of the complexity of the permitting process in general and the complex history of this project in particular.

Here are the important facts:

- Yesterday, the Corps publicly released a letter dated 8/20 to Pebble stating that the Corps had made a preliminary finding of significant degradation under the CWA Section 404(b)(1) Guidelines based on the project information the Corps currently has in front of it; this kind of finding means that the project is not permissible unless additional mitigation measures can be applied that change this finding.
- The Corps' 8/20 letter gives Pebble 90 days (i.e., until 11/18/20) to come up with a new and improved compensatory mitigation plan to try and overcome the significant degradation finding. If Pebble is unable to develop a satisfactory compensation plan, a permit cannot be issued.
- Various news articles report Pebble's claims that it is confident that it can develop a satisfactory plan and claims from others that development of a satisfactory plan will prove impossible.
- As of right now, the Corps has not denied the permit (and EPA has not vetoed it), so the fate of the mine is not over.
- Although not a final permit decision, the Corps' public acknowledgement of its preliminary finding of significant degradation is noteworthy; it is also consistent with EPA's preliminary finding of significant degradation in our 2014 404(c) Proposed Determination.

Below is a sampling of some of the new articles over the past 72 hrs:

<https://www.cnn.com/2020/08/24/politics/pebble-mine-alaska-invs/index.html>

<https://insideepa.com/daily-news/corps-mitigation-request-spurs-competing-claims-pebble-mine-s-future>

<https://www.politico.com/news/2020/08/24/alaska-mine-trump-administration-reversal-401183>

E&E News: How Trump insiders turned the tide on Pebble mine

Ariel Wittenberg, James Marshall and Timothy Cama

August 24, 2020

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Bloomberg: Trump Administration Said to Turn Away From Pebble Mine Support

<https://news.bloomberglaw.com/environment-and-energy/trump-administration-said-to-turn-away-from-pebble-mine-support>

Ari Natter, Reade Pickert

Aug. 23, 2020

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The Hill: Trump poised to block Pebble Mine project in Alaska: report

<https://thehill.com/regulation/energy-environment/513234-trump-poised-to-block-pebble-mine-project-in-alaska-report>

J. EDWARD MORENO

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Politico Pro: Trump set to block controversial Alaska gold mine

<https://subscriber.politicopro.com/article/2020/08/trump-to-nix-alaska-gold-mine-next-week-1983784>

ZACK COLMAN, ALEX GUILLÉN

8/22/2020

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Reuters: Trump administration plans to block Alaska mine project: Bloomberg

<https://www.reuters.com/article/us-usa-environment-mine/trump-administration-plans-to-block-alaska-mine-project-bloomberg-idUSKBN25J00R>

AUGUST 22, 2020

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New York Times: New Conditions on Alaskan Mine Could Delay Vast Project That Donald Trump Jr. Opposes

The Army Corps of Engineers will impose new mitigation conditions on the developers of the proposed Pebble Mine, potentially pushing approval past the election.

August 22, 2020

Washington Post: Trump administration to pause permit for Alaska's Pebble Mine on Monday

The mine, which would be North America's largest, has come under fire from key Republicans

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August 22, 2020

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